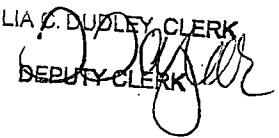


SEP 18 2015

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UHURU' SEKOU OBATAIYE-ALLAH,)	CASE NO. 7:15CV00250
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
)	
HAROLD CLARKE, <u>ET AL.</u> ,)	
)	
Defendant(s).)	By: Glen E. Conrad
)	Chief United States District Judge

Plaintiff Uhuru' Sekou Obataiye-Allah now files his motion for interlocutory relief (ECF No. 36), signed and dated on September 8, 2015. As in his prior such motions, he complains that the defendant prison officials at Red Onion State Prison are refusing to accommodate his lactose intolerance. Upon review of the record, the court will deny his current motion.

Specifically, Obataiye-Allah states that his Common Fare Diet meals include two or three servings of cottage cheese every day and sometimes contain other food items containing dairy as well. In recent days, the prison ran short of beans and served inmates on the Common Fare Diet double portions of cottage cheese at each meal. Obataiye-Allah asserts that if he eats dairy products, he suffers abdominal upset. If he avoids these items, as officials have advised him to do, he allegedly starves and grows more and more underweight for his height of nearly six feet and ten inches.

By opinion and order entered August 8, 2015, the court denied Obataiye-Allah's prior motion on these issues, based on defendants' evidence in the record. On August 14, 2015, defendants filed a motion for summary judgment with additional evidence in support. Among other things, defendants' evidence indicates that Obataiye-Allah weighed 221 pounds on May 28, 2014 and 230 pounds on May 26, 2015. In his current motion, he reports that he now weighs

240 pounds. Defendants' evidence also indicates that this month, Red Onion will begin serving inmates hot Common Fare meals. The menu for these meals calls for servings of cottage cheese only once or twice per week.

Based on this evidence, and for the reasons stated in the August 8 opinion, the court concludes that Obataiye-Allah has not demonstrated a basis on which he is entitled to the extraordinary remedy he seeks. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008) (requiring among other factors, a showing likelihood of success on merits and likelihood to suffer irreparable harm in absence of preliminary relief). Therefore, the court will issue an appropriate order denying his motion.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to the parties.

ENTER: This 17th day of September, 2015.



Chief United States District Judge